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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,741	12/10/2003	Yunbo Cao	M61.12-0555	6672

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WESTMAN CHAMPLIN (MICROSOFT CORPORATION)
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MINNEAPOLIS, MN 55402-3319

EXAMINER

COUGHLAN, PETER D

ART UNIT	PAPER NUMBER
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2129

MAIL DATE	DELIVERY MODE
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09/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/732,741	Applicant(s) CAO ET AL.	
	Examiner Peter Coughlan	Art Unit 2129	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-9, 11-36, 38.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.


JOSEPH P. HIRL
 PRIMARY EXAMINER
 TECHNOLOGY CENTER 2100

Continuation of 3. NOTE: Regarding the specification objection to claim 5, the examiner notes the clarification regarding Eq. 1 of the specification.

Regarding the objections to claims 24, 32, 33 the Examiner reminds the applicant that the application is 'after final' and prosecution is closed. The Examiner notes the changes to the independent claims.

Regarding the objection to claim 35 the Examiner reminds the applicant that the application is 'after final' and prosecution is closed. The Examiner disagrees with the explanation due to the fact that 'calculating values of uncertainty' would be the purpose of the 'function of uncertainty' (Eq. 1). There is no 'threshold' requirement in this equation. Objection stands.

Regarding the rejection under 35 U.S.C. §112 to claim 4 the Examiner reminds the applicant that the application is 'after final' and prosecution is closed. The examiner notes the clarification regarding Eq. 1 of the specification.

Regarding the rejection under 35 U.S.C. §112 to claims 1, 22, 27, 36 the Examiner reminds the applicant that the application is 'after final' and prosecution is closed. The Examiner notes the amended claims of 1, 22, 27 and 36.

Regarding the rejection under 35 U.S.C. §112 to claims 8, 18-21 the Examiner reminds the applicant that the application is 'after final' and prosecution is closed. The Examiner notes the amended claims but they appear not to be clear in their purpose or objective. For example in claim 8, as mentioned earlier, threshold is not mentioned within the 'function of uncertainty.' In claim 19, is the phrase 'selecting the most certain unlabeled' described by some algorithm, method or system within the specification?

Applicants reject the assertion that the claimed invention can only be used as a web page classification algorithm. This is based on the shift in policy by the Office concerning 35 U.S.C. §101 rejections. Prior to the shift, the application had to provide a practical application within the claims. After the shift in policy, the Examiner is allowed to search the specification for a practical application. The Examiner found web page classification purposes within the specification thus avoiding a 35 U.S.C. §101 'practical application' rejection.